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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,335	12/04/2003	Sanjay Bhardwaj	010262-020000US	1127
20350 7590 01/07/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER BLAIR, DOUGLAS B	
			ART UNIT 2142	PAPER NUMBER
			MAIL DATE 01/07/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/729,335

Applicant(s)

BHARDWAJ, SANJAY

Examiner

Douglas B. Blair

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 6 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/6/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

The applicant filed a preliminary amendment on 12/1/2004. Claims 1-14 are currently pending.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, 9-10, and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,414,704 to Spinney.

As to claim 1, Spinney teaches an apparatus for communicating in accordance with two or more communications protocols, comprising: a core portion, the core portion being substantially independent of the two or more communications protocols (col. 10, lines 7-31); and a peripheral portion, the peripheral portion is configurable to receive at the ingress data communications in accordance with the two or more communications protocols and to transmit

at egress data communications in accordance with the two or more communications protocols (col. 10, lines 7-31).

As to claim 2, Spinney teaches the apparatus of claim 1, wherein the peripheral portion includes a translation device (col. 10, lines 7-31).

As to claim 3, Spinney teaches the apparatus of claim 1, wherein the peripheral portion includes an adaptation device (col. 10, lines 7-31).

As to claim 4, Spinney teaches the apparatus of claim 2, wherein the translation device translates a first data format into a second data format (col. 10, lines 7-31).

As to claim 5, Spinney teaches the apparatus of claim 3, wherein the adaptation device selectively adapts to one of a first error protection scheme and a second error protection scheme (col. 7, lines 32-38).

As to claim 7, Spinney teaches the apparatus of claim 5, wherein the first error protection scheme comprises parity and the second error protection scheme comprises correction (col. 7, lines 21-38).

As to claims 9-10, and 12-13, they are rejected for the same reasons claims 1-5 and 7.

Claims 1-4 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,198,751 to Dorsey et al.

As to claim 1, Dorsey teaches an apparatus for communicating in accordance with two or more communications protocols (col. 2, lines 16-19), comprising: a core portion, the core portion being substantially independent of the two or more communications protocols (col. 4, lines 23-25); and a peripheral portion, the peripheral portion is configurable to receive at the ingress data communications in accordance with the tow or more communications protocols and to transmit

at egress data communications in accordance with the two or more communications protocols (col. 2, lines 30-57).

As to claim 2, Dorsey teaches the apparatus of claim 1, wherein the peripheral portion includes a translation device (col. 2, lines 16-19).

As to claim 3, Dorsey teaches the apparatus of claim 1, wherein the peripheral portion includes an adaptation device (col. 2, lines 16-19 and 30-57).

As to claim 4, Dorsey teaches the apparatus of claim 2, wherein the translation device translates a first data format into a second data format (col. 2, lines 16-19).

As to claims 9-10, they are rejected for the same reasons as claims 1-4.

Claims 1, 8-9, and 14 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by U.S. Patent Application Publication Number 2003/0163593 by Knightly.

As to claims 1 and 8, Knightly teaches an apparatus for communicating in accordance with two or more communications protocols (paragraph 52 shows that SRP and RPR were both known at the time of the applicant's invention), comprising: a core portion, the core portion being substantially independent of the two or more communications protocols (paragraph 52); and a peripheral portion, the peripheral portion is configurable to receive at the ingress data communications in accordance with the two or more communications protocols and to transmit at egress data communications in accordance with the two or more communications protocols (paragraph 52) wherein the two or more communications protocols comprise SRP and the RPR protocol. Claims 9 and 14 are rejected for the same reasoning.

This rejection is applied because claims 1 and 8 and 9 and 14 are not actually directed towards any specific relationship between the two claimed protocols.

***Allowable Subject Matter***

Claims 6 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:  
The prior art was not found to teach or suggest a method for converting between RPR and SRP packets as claimed and disclosed by the applicant.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is (571) 272-3893. The examiner can normally be reached on 9:00am-5:30pm.

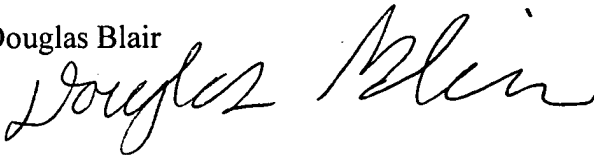
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Douglas Blair

A handwritten signature in cursive script that reads "Douglas Blair". The signature is written in dark ink and is positioned below the printed name "Douglas Blair".